

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

CHEVON MURRAY, individually and as
mother and natural guardian of minors
J.T., A.M., and Z.W.,

MEMORANDUM & ORDER
21-CV-6892 (EK) (VMS)

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE
JONATHAN MARTINEZ, and DETECTIVE
AVINASH PATEL,

Defendants.

-----x

ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Scanlon's Report and Recommendation (R&R) dated July 5, 2024. ECF No. 100. Judge Scanlon recommends approval of an infant compromise on behalf of the three Infant Plaintiffs.¹ Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Scanlon's recommendation

¹ In a letter to the Court filed October 30, 2024, Plaintiff asserts that the Court's approval is not necessary, because Judge Scanlon's July 5 ruling was "entered as [an] [o]rder to be obeyed," and was not labeled as an R&R. See Pl.'s Lett. 1, ECF No. 102. But on October 19, 2023, the Court expressly referred Plaintiff's motion for approval of the infant compromise to Judge Scanlon for an R&R. A magistrate judge "may not seek out work or expand his or her role beyond that assigned by the district judge." 12 Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 3068 (3d ed. 2024). Moreover, under Local Rule 72.2, a magistrate judge may act only on "non-dispositive pretrial matters" without authorization from the district judge. When a proposed infant compromise would settle an entire action, a motion seeking approval of that compromise is a dispositive motion. See *A.M. v. City of New York*, 2022 WL 20472226, at *3 (E.D.N.Y. Feb. 2, 2022), *report and recommendation adopted*, 2023 WL 4446660 (E.D.N.Y. July 11, 2023). Thus, the Court's approval remains necessary.

for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. The infant compromise is approved. Accordingly, pursuant to the parties' joint stipulation of dismissal, the Clerk of Court is respectfully directed to close this case. See Stipulation & Ord. of Dismissal, ECF No. 85-1.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: October 31, 2024
Brooklyn, New York